



***Town of Tyngsborough  
Conservation Commission***

25 Bryants Lane  
Tyngsborough, Massachusetts 01879-1003  
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Minutes  
December 11, 2012  
**APPROVED**

**Present:**

**BM:** Brian Martin      **PM:** Pat Mical      **JK:** Jeff Kablik      **ES:** Ed Smith      **LG:** Lucy Gertz  
**MM:** Matt Marro

**Absent:**

**JE:** Jerry Earl      **LB:** Linda Bown

**Attachments:**

1. Agenda
2. Conservation Director report for 70 Chestnut Rd. ANRAD – 12/11/12
3. 422 Middlesex Rd. NOI filing – 11/1/12
4. 26 Davis St. Director's Determination – 11/28/12
5. 71 Mascuppic Trail Director's Report – 12/10/12
6. Tyngsborough Trails Committee Meeting Minutes – 12/1/12

**7:00pm**      BM opened meeting

**7:02pm**      **70 Chestnut Rd. (M8, P13, L0) – Abbreviated Notice of Resource Area Delineation** to verify the linear boundary of a bordering vegetated wetland.

**JK:** Motion to waive the reading of the legal notice & abutters list.

**ES:** 2<sup>nd</sup> the motion

**In Favor: 5 Opposed: 0 Absent: 2**

**Passes: 5-0-2**

Brian Milisci appeared for the applicant for the above hearing. Mr. Milisci explained that the area is an undeveloped wooded lot that is approximately 43,000 s.f. The intent of this filing is to mark out the boundaries of the wetland on the lot in order to eventually develop it. MM reviewed the filing and walked the property and agreed with the delineation mapped out by Mr. Milisci. Abutters John & Karen Hamilton of 66 Chestnut Rd. appeared before the Commission to ask how the proposal would affect their lot. JK stated his personal acquaintance with the Hamiltons. The Commission explained that this filing is just for wetland delineation. Any future development on this lot would require another separate Notice of Intent filing with the Commission where they would be notified again. Mr. Hamilton asked what has changed on the lot in the past decade that has enabled the lot be considered buildable. Mr. Milisci indicated that the septic design technology and the results of the test pits that they performed passed the Title 5 regulations and the Tyngsborough Board of Health scrutiny.

**ES:** Motion to close the public portion of the hearing.

**PM:** 2<sup>nd</sup> the motion

**In Favor: 5 Opposed: 0 Absent: 2**

**Passes: 5-0-2**

**ES:** Motion to approve the Resource Area Delineation on the plans dated 11/26/12 for 70 Chestnut Rd.

**JK:** 2<sup>nd</sup> the motion

**In Favor: 5 Opposed: 0 Absent: 2**

**Passes: 5-0-2**

**7:30pm**      **422 Middlesex Rd. (M11, P29A) – Notice of Intent, DEP# 309-0821** for the proposed construction of an access roadway over an existing wetland system in order to accommodate a proposed commercial development. Continued from November 27, 2012.

Engineer Jeff Brem appeared before the Commission representing the applicant Mark Greenbaum. Mr. Brem explained that this filing is a continuation of the original filing submitted March 25, 2009. The previous plan was subject to an extensive review and re-design requirements per the Army Corps of Engineers (ACOE), the Environmental Protection Agency (EPA), and the Massachusetts Department of Protection (DEP).

Subsequently, a wooden bridge design was developed and then approved by all agencies. Mr. Brem explained that this design is a feasible alternative with virtually no impact on the wetland or the vernal pool due to the use of posts only. The bridge span will be 260 feet long by 26 feet wide and be able to access 25 acres of upland. The Commission asked what was proposed to be built on that parcel. Mr. Brem stated that there is no specific project proposed at this time, however, in order for the reviewing agencies to grasp the concept of the wetland crossing they had to plot a building on the plans. The parcel is zoned industrial; therefore, any building would be consistent with that zone's allowed uses.

Mr. Brem went on to describe the replication area, which will be approximately 9,150 s.f. which is in excess of what is actually required by the regulations. In addition, there is no MEPA or water quality certification required for this project. The Commission required that a \$3,500 53G account be posted in order for the Commission's engineer, Brian Milisci to do a peer review on the project. Mr. Milisci will perform the stormwater, drainage, and replication peer review for the project. A site visit will be conducted in order for the Commission members to become familiar with the site.

**ES:** Motion to continue this hearing until 1/22/13.

**PM:** 2<sup>nd</sup> the motion

**In Favor: 5 Opposed: 0 Absent: 2**

**Passes: 5-0-2**

## **Director's Determination**

**26 Davis St.** – MM reported that the homeowner is proposing to tear down the existing addition and build a new one on the same footprint. The work is just outside the buffer zone and would not affect the wetlands.

**JK:** Motion to approve the Director's Determination for an addition at 26 Davis St.

**ES:** 2<sup>nd</sup> the motion

**In Favor: 5 Opposed: 0 Absent: 2**

**Passes: 5-0-2**

## **Director's Report**

**71 Mascuppic Trail** – Property owner Ed Derby appeared before the Commission with a rendering of the proposed 10 foot long gravel driveway he wants to install on the lot that would meander toward the lake for the purpose of pulling his boat. Mr. Derby went on to say that the intent of the gravel is to keep the lot looking more natural. MM said that the existing Enforcement Order on the lot allows for these types of improvements. He added that this would be an allowable improvement that would enhance the natural state of the lot.

**ES:** Motion to modify the Enforcement Order to allow the site enhancements as described on the plans dated 12/11/12.

**PM:** 2<sup>nd</sup> the motion

**In Favor: 5 Opposed: 0 Absent: 2**

**Passes: 5-0-2**

## **Reports/Discussion:**

- **Sherburne Nature Center/Trails Committee Update**

LG asked if we could obtain an update on the balance of the Boardwalk appropriation in order for the Trails Committee to continue their work on obtaining signage for the boardwalk. PB and MM would work on that.

**Administrative:**

**1. Minutes:**

**JK:** Motion to approve the minutes as written for November 27, 2012.

**PM:** 2<sup>nd</sup> the motion

**In Favor: 4 Opposed: 0 Abstain: 1 Absent: 2**

**Passes: 4-0-1-2**

**8:30pm**

**ES:** Motion to adjourn

**LG:** 2<sup>nd</sup> the motion

**In Favor: 5 Opposed: 0 Absent: 2**

**Passes: 5-0-2**

Respectfully for the Conservation Commission,

Pamela Berman  
Administrative Assistant